

Senate File 2332 - Introduced

SENATE FILE 2332
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 2090)

A BILL FOR

1 An Act relating to pretrial bond amounts for certain felonies.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 811.1B Pretrial bond amounts for
2 class "A" and forcible felonies.

3 1. It is the policy of this state that, for certain
4 violent offenses, a court setting bond must give significant
5 consideration to the danger a defendant poses to another person
6 or the property of another if the defendant is not detained
7 pending trial. This consideration is in addition to all others
8 recognized by law, including but not limited to the bond amount
9 necessary to secure the defendant's appearance.

10 2. a. When probable cause for an offense is found by
11 the magistrate, or the district court has found the minutes
12 supporting an indictment or information are sufficient to
13 support a conviction if unexplained, and after considering the
14 conditions for release as provided in section 811.2, subsection
15 2, and making a finding on the record, the following shall be
16 presumed to be the minimum pretrial bond amounts for each count
17 charged, notwithstanding any other provision of law:

18 (1) For a class "A" felony, a five hundred thousand dollar
19 bond.

20 (2) For a class "B" forcible felony, a twenty-five thousand
21 dollar bond.

22 (3) For a class "C" forcible felony, a ten thousand dollar
23 bond.

24 (4) For a class "D" forcible felony, a five thousand dollar
25 bond.

26 b. The court shall require the execution of a bail bond
27 with sufficient surety, or the deposit of cash in lieu of bond.
28 However, except as provided in section 811.1, bail initially
29 given remains valid until final disposition of the offense or
30 entry of an order deferring judgment. If the amount of bail
31 is deemed insufficient by the court before whom the offense
32 is pending, the court may order an increase of bail and the
33 defendant must provide the additional undertaking, written or
34 in cash, to secure release.

35 3. The presumption contained in this section is rebuttable

1 only upon a showing by the defendant, by a preponderance of
2 evidence, that the defendant is not a danger to another person
3 or the property of another if not detained pending trial.

4 4. As with other bond reviews, a determination under this
5 section made by a magistrate is reviewable by a district
6 court judge or a district associate judge having original
7 jurisdiction of the offense with which the defendant is charged
8 pursuant to section 811.2, subsection 7, paragraph "a", while a
9 determination made by a district court judge is only reviewable
10 by the appellate court pursuant to section 811.2, subsection
11 7, paragraph "b".

12 EXPLANATION

13 The inclusion of this explanation does not constitute agreement with
14 the explanation's substance by the members of the general assembly.

15 This bill relates to pretrial bond amounts for certain
16 felonies.

17 The bill provides that for certain violent offenses, a court
18 setting bond must give significant consideration to the danger
19 a defendant poses to another person or the property of another
20 if the defendant is not detained pending trial. When probable
21 cause for an offense has been found by a magistrate, or the
22 district court has found the minutes supporting an indictment
23 or information to be sufficient, and after considering
24 conditions for release under Code section 811.2 (bail and bail
25 restrictions) and making a finding on the record, the following
26 shall be presumed to be the minimum pretrial bond amounts for
27 each count charged notwithstanding any other provision of
28 law: for a class "A" felony, a \$500,000 bond; for a class
29 "B" forcible felony, a \$25,000 bond; for a class "C" forcible
30 felony, a \$10,000 bond; and for a class "D" forcible felony,
31 a \$5,000 bond.

32 The bill provides that the court shall require the execution
33 of a bail bond with sufficient surety, or the deposit of cash
34 in lieu of bond.